

**Minutes of Meeting  
Grafton Planning Board  
December 10, 2007**

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A regular meeting of the Grafton Planning Board was held on Monday, December 10, 2007 in Conference Room A at the Grafton Municipal Center, 30 Providence Road, Grafton, MA. Present for the meeting were Chairman Peter Parsons, Vice-Chairman, Robert Hassinger, Clerk Keith Regan, Donald Chouinard and Associate Member Christophe G. Courchesne. Absent from the meeting was Richard McCarthy. Staff present was Town Planner, Stephen Bishop and Assistant Planner, Ann Morgan.

Chairman Parsons called the meeting to order at 7:02 p.m.

Mr. Bishop began by extending a welcome, on behalf of the Planning Board, to new DPW Superintendent Toma Duhani, present for an informal meeting and to discuss the drainage situation/issues associated with the "Ferry Ridge Estates" Subdivision, including the drainage plan redesign. Mr. Bishop also welcomed Town Engineer, Stephen Risotti to the meeting.

Chairman Parsons also welcomed Mr. Duhani on behalf of the Board members, stating he appreciated his time and participation.

Mr. Regan noted he had requested the meeting in order to open the communication lines between the Planning Board and DPW, and to share their expectations with him, while at the same time raising the expectations of developers.

Mr. Bishop remarked that there are a number of standards that need to be revisited and that he has enjoyed working collaboratively with Mr. Duhani.

Mr. Hassinger added that the Board has been lacking strong input to the Subdivision Rules & Regulations and Zoning By-laws, noting the Board would like to be building roadways that the DPW approves with regard to maintenance and would appreciate input of what will comprise the best roads.

Mr. Duhani stated that there will be dialogue regarding the new required stormwater issues and informed the Board that the Town's main problem was the lack of proper drainage, due to typical old country roadways trying to handle new developments connecting to existing drainage systems.

Mr. Regan complimented Mr. Risotti on his work regarding the South Street/Bruce Street intersection and noted it seemed to be much better than it was previously.

**MODIFICATION OF DEFINITIVE PLAN APPROVAL – "FERRY RIDGE ESTATES" SUBDIVISION – INDIVIDUAL LOT, L.L.C. (APPLICANT/OWNER) – DRAINAGE SYSTEM REDESIGN**

Chairman Parsons opened the public hearing at 7:09 p.m.

Present for the hearing were owner/applicant David Calarese and Engineer Peter Lavoie of Guerriere & Halnon, Inc.

Mr. Bishop began with a review of the information submitted at the last hearing, stating that review comments had been received from Graves Engineering, with most items acknowledged. Mr. Bishop also noted that he, Ann Morgan and Jeff Walsh had visited the site on Friday afternoon, for which the Board should have a site visit summary in their mailboxes. Mr. Bishop stated the exposed slope had been covered with some of the abundant rock on site to deflect the water flow, which will continue to be monitored.

Mr. Lavoie reviewed with the Board the redesign of the drainage plan, stating the design was conventional with open basins and an earth berm to deflect runoff, with more than 80% of final removal of silt from the runoff. Mr. Lavoie added that they will install an 18" pipe across the roadway to also divert the runoff.

Mr. Lavoie explained to the Board they had met with the DPW, who wanted to retain the grass swales and requested that drop inlets be installed to handle drainage along the front of the subdivision. Mr. Lavoie also stated they were working with the Conservation Commission to meet the requirements of the Notice of Intent filed.

Mr. Duhani informed the Board that it is his opinion that everything is coming off the site and dumping into the drainage pipe which then clogs up and allows the runoff to cross the street into the ball field.

Mr. Risotti noted that part of the subdivision process is not to increase any runoff, hence the developer was asked if the Town's 18" RCP can handle the runoff and to have his engineer look into it.

Mr. Lavoie stated that he has actually decreased the runoff by holding it back within in basins and he is not increasing any flow offsite. Mr. Lavoie noted that his system can handle a 25 year storm event and Graves Engineering reviewed and approved the drainage analysis.

Mr. Risotti informed the Board that the street drainage is designed for a 10 year storm and the applicant is trying to connect to it with a 100 year storm system.

Mr. Hassinger expressed concerns of how the subdivision was approved with an invalid drainage design and whether the original drainage design was reviewed by Graves Engineering.

David Savage of 72 Ferry Street expressed concerns about the drainage swale design and whether it would result in a marshy area.

Mr. Duhani stated there were a host of concerns to address, specifically that 300 feet of pipe needs to be replaced along the roadway.

Chairman Parsons asked Mr. Calarese if he had somewhat of an idea on the cost of the pipe replacement.

Mr. Calarese stated the new drainage plan showed the area to be dry within the subdivision.

The Board noted the onsite and offsite drainage work hand in hand and both need to work in order to for the subdivision to be accepted by the Town.

Mr. Hassinger stated he would like Graves Engineering to state their approval of the redesigned drainage plan, explain what happened before and what will happen with the new drainage plan.

The Board suggested the applicant request a continuance until more information can be obtained from Graves Engineering.

**MOTION** by Mr. Regan, **SECOND** by Mr. Chouinard, to grant the applicant's written request to continue the public hearing to Monday, January 14, 2007 at 7:20 p.m. **MOTION** carried unanimously.

**SP 2007-12 S. A. M. REAL ESTATE, LLC, (APPLICANT) – 353 PROVIDENCE ROAD – CUSTOM WOODWORKING SHOP**

Mr. Regan read the legal notice and Chairman Parsons opened the public hearing at 7:57 p.m.

Present for the hearing were owner Timothy Barlow and applicant Timothy Flanagan.

Chairman Parsons appointed Mr. Courchesne as a voting member for the special permit, due to the absence of Mr. McCarthy.

Mr. Bishop briefly reviewed the application for the Board, noting the applicant had requested specific waivers with regard to a stormwater management study, and an earth removal calculation report and that there were extensive comments from the Board of Health.

Mr. Flanagan informed the Board there seemed to be a misunderstanding with the Board of Health with regard to the outside storage of liquids and solvents. Mr. Flanagan stated he would only be keeping on hand a small amount of wood stain in a storage cabinet within the building.

Mr. Flanagan noted the approximate hours of operation would be 7 a.m. to 4 p.m., but could extend from 6:00 a.m. to 6:00 p. m., depending upon how far they would be transporting their product in an effort to bypass daily traffic congestion. Mr. Flanagan explained that the only reason for early activity would be to load up the box truck on site to transport the product to the worksite for that day. Mr. Flanagan also added that two-thirds of the business will be a workshop area and one-third will comprise front offices, a lavatory and conference room.

Mr. Hassinger asked about the number of workers on a daily basis and had concerns about the noise level if machines are running. Mr. Flanagan stated there would not be more than 10 people at a time in the building, there are currently 27 parking spots of which only 9 are required, and the workers are very conscious of the noise level in the workshop.

Mr. Chouinard asked Mr. Flanagan if he was an actual cabinet maker or just assembled the product, as the machines for cabinet making had a much higher noise level than those for assembly work.

Mr. Regan asked about any retail sales at the site and Mr. Flanagan stated the product is made to order for clients by appointment, which are referred to him by persons in the housing/construction field such as Mr. Barlow.

**MOTION** by Mr. Hassinger, **SECOND** by Mr. Chouinard, to close the public hearing. **MOTION** carried unanimously.

**MOTION** by Mr. Hassinger, **SECOND** by Mr. Chouinard, to direct Staff to draft a decision, taking into consideration all the information received and the findings and conditions discussed.

**DISCUSSION:** Mr. Regan noted that with regard to the parking, since it is usually so explicit, to inform the Board of any changes or requirements not discussed.

**MOTION** carried unanimously.

**SP 2007-10 DENNIS MONAHAN (D/B/A/ D.M. BUILDING & REMODELING) –  
143 MILLBURY STREET – ACCESSORY APARTMENT**

Chairman Parsons opened the public hearing at 8:19 p.m.

Present for the hearing were applicant Dennis Monahan and owners Charles & Debra Hill.

Mr. Bishop remarked there were a number of issues raised at the last public hearing with regard to the size and layout of the accessory apartment. Mr. Bishop informed the Board that a memo was received today from the Building Inspector defining an accessory

apartment in an attempt to finalize conversation on the subject and to clarify the language.

Mr. Bishop also noted issues were raised concerning wetlands and endangered species within the project area. Mr. Bishop stated letters from the Conservation Commission and the State Department of Fisheries & Wildlife have been submitted documenting these two issues and the size of the apartment has been reduced to better conform with the definition from the Building Inspector.

Mr. Monahan informed the Board that the apartment had been reduced from a one-story 32' x 24' to 30' by 24', the breezeway eliminated, and a full basement.

Mr. Hassinger asked if the owners were familiar with the family restriction with the permit. Mr. Monahan stated he had informed them and it was not a problem.

Mr. Regan stated concerns of the Building Inspector's memo with changes eliminating the breezeway connection with the accessory apartment definition, which has always been used in the past with the Planning Board in determining an accessory apartment.

Mr. Courchesne noted the Building Inspector's determination was a reasonable interpretation and the Planning Board's interpretation will also have to be made.

Mr. Bishop noted the definition is a delicate balancing act so as not to penalize people with small homes, to be able to within the definition.

Chairman Parsons stated he was comfortable with what has been received from the Building Inspector.

**MOTION** by Mr. Regan, **SECOND** by Mr., Courchesne, to close the public hearing. **MOTION** carried unanimously.

**MOTION** by Mr. Regan, **SECOND** by Mr. Courchesne, to direct Staff to draft a decision, taking into consideration all the information received and the findings and conditions discussed. **MOTION** carried unanimously.

**SP 2007-11 BELL ATLANTIC MOBILE OF MASSACHUSETTS CORPORATION LTD., D/B/A VERIZON WIRELESS (APPLICANT) – 200 WESTBORO ROAD – CO-LOCATION**

Chairman Parsons opened the public hearing at 8:31 p.m.

Mr. Courchesne recused himself to the audience due to a conflict of interest.

Present for the hearing were Attorney Daniel Klasnick and Greg Nawroski representing Verizon Wireless.

Mr. Bishop reviewed the previous public hearing and the Board's requests for additional information.

Attorney Klasnick informed the Board he had submitted additional supplementary application information consisting of revised site plan pages C-1 and C-2 specifically detailing the topographical elevation and the proposed installation of a propane emergency back-up generator, replacing the originally proposed diesel generator. Attorney Klasnick also noted the revised plan shows a 500 gallon propane tank due to the lack of natural gas pipeline availability. Attorney Klasnick reviewed the results of a sound analysis done showing no additional sound impacting anyone.

**MOTION** by Mr. Regan, **SECOND** by Mr. Chouinard, to close the public hearing. **MOTION** carried unanimously.

**MOTION** by Mr. Regan, **SECOND** by Mr. Chouinard, to direct Staff to draft a decision, taking into consideration all the information received and the findings and conditions discussed. **MOTION** carried unanimously.

**ACTION ITEM 3-A – REQUEST FOR RELEASE OF PERFORMANCE BOND – “LONGWOOD TOWNHOMES” – MICHAEL KANE, PETITIONER**

Mr. Bishop informed the Board that Mr. Kane had also additionally requested the refund of the remaining funds in the peer review account for “Longwood Townhomes”. Mr. Bishop noted that the Board needed to add the provision that any outstanding Graves Engineering invoice amounts be withheld from the peer review account.

**MOTION** by Mr. Regan, **SECOND** by Mr. Hassinger, to grant the petitioner's written request to release the Performance Bond funds being held and the peer review balance minus any outstanding Graves Engineering invoice amounts due. **MOTION** carried unanimously.

**ACTION ITEM 3-B – APPROVAL NOT REQUIRED PLAN (ANR 2007-17) – DAVID MASON – SALISBURY ST. & KEITH HILL RD.**

**MOTION** by Mr. Regan, **SECOND** by Mr. Chouinard, to approve ANR 2007-17 and authorize the Planner to sign the plan on behalf of the Planning Board. **MOTION** carried unanimously.

**ACTION ITEM 3-C – EXECUTE “PETERS ESTATES” SUBDIVISION TRI-PARTITE AGREEMENT**

Mr. Bishop informed the Board that Ronald Etre of “Peters Estates” Subdivision has requested the Board accept a Tripartite Agreement in place of the Covenant now on file.

Mr. Bishop noted that the Graves Engineering construction estimate reflects the roadway brought up to base coat and the additional 20% required, bringing the bond amount up to \$329,678.40. Mr. Bishop also added the Tripartite agreement has been reviewed and approved by Town Counsel and suggests that the Board release all the lots, with the conditions on the Affordable Housing units remaining in effect.

Mr. Hassinger asked if the pumping station was covered and Mr. Bishop stated it was part of the infrastructure reviewed by Graves Engineering.

**MOTION** by Mr. Regan, **SECOND** by Mr. Chouinard, to approve the applicant's written request to approve the Tripartite Agreement for \$329,678.00 as posted Performance Security for "Peters Estates" Subdivision, based on correspondence from Graves Engineering and the requirements of the applicable Subdivision Rules & Regulations. **MOTION** carried unanimously 4 to 0.

### **MINUTES OF PREVIOUS MEETINGS**

**MOTION** by Mr. Regan, **SECOND** by Mr. Chouinard, to approve the open session minutes of November 5, 2007 with the changes noted. **MOTION** carried unanimously.

Mr. Regan asked with regard to the minutes of November 26, 2007, whether the street lights were on in the "Highfields Estates" Subdivision. Mr. Bishop stated that two-thirds of the street lights were on, specifically within the main part of the development.

**MOTION** by Mr. Regan, **SECOND** by Mr. Chouinard, to approve the open session minutes of November 26, 2007, with the changes noted. **MOTION** carried unanimously.

The bills were circulated and signed.

Mr. Hassinger stated that if the ANR withdrawn for Browns Road comes back before Christmas, we will have a situation.

Mr. Bishop noted he would ensure the Board has 21 days to act upon the ANR before acceptance of any plan application.

Mr. Chouinard left the Planning Board meeting at 9:04 p.m.

### **STAFF REPORT**

Mr. Bishop updated the Board on the "Magnolia Farms" Subdivision, stating he met on site with the Project Manager of Construction Insight, Inc., who would work for Webster Bank. Mr. Bishop also noted that in speaking with Attorney Capezzera, Webster Bank is considering working with Mr. Moloney to get the subdivision finished. Mr. Bishop informed the Board he had made it clear neither the Town nor the Planning Board would

be making any deals for work to be completed by Mr. Moloney. Mr. Bishop added that a substantial walk through with a detailed record of items to be completed, previously noted by Graves Engineering, needs to be made clear to the Bank to be moved forward and completed along with their responsibility to have the street lights turned on and billed for the expenses.

Mr. Bishop also informed the Board that "Miscoe Farms" Subdivision is close to being settled within the next month for approximately \$60,000.00. Mr. Bishop noted that the majority of the funds will go to the surveyor, who has not been reimbursed for the installing the remaining bounds, the as-builts plans and legal descriptions. Mr. Bishop added the open space items were minor; the settlement does not deal with the Dunn easement encroachment issue, which requires some additional deed research; and that the Town Administrator has agreed to direct the DPW Superintendent to plow the street.

Mr. Bishop stated correspondence had been received from Abu Construction, Inc. that the last street light has been turned on in the "Mazza Farms" Subdivision.

Mr. Bishop informed the Board the Town continues to work on the release of \$671,000.00 from EPA for the Fisherville Site, for which a number of interest groups are coming together.

Mr. Bishop remarked that Ms. Lashmit has asked for the release of \$350,000.00 of the Smart Growth funds, specifically for use with regard to the South Grafton Master Plan Streetscape program, continuing the Planning Board's support for the Fisherville and Farnumsville sections of South Grafton.

Mr. Bishop stated he and Ann Morgan would be meeting with Brian Hebert on Wednesday December 12 to move forward on the software collaboration.

Mr. Bishop also noted that he had met with Matthew Pearson of the Grafton Water District and Chuck Bohoboy of the Sewer Department, both of whom are moving forward to fulfill their portion of the 43D Grant Scope of Work.

**MOTION** by Mr. Regan, **SECOND** by Mr. Hassinger, to adjourn the meeting.  
**MOTION** carried unanimously.

The meeting was adjourned at 9:32 p.m.

  
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Keith A. Regan, Clerk